THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 23rd day of October,2007

W.P.No.6931 of 2007

Between:-

Banothu Parvathi … Petitioner

and

District Collector and Chairman,
District Women & Child Development
Agency, Khammam and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.6931 of 2007

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the selection for 103 posts of Anganwadi Workers in Kothagudem Rural, ICDS Project in pursuance of paper notification dated 13-3-2007 issued by the 2nd respondent as arbitrary and illegal and consequently to renotify 103 Anganwadi Workers posts and conduct fresh selections.

It appears, petitioner is the native of Betalapadu village, Julurupadu Mandal of Khammam District. She applied for the post of Anganwadi Worker in Kothagudem Rural Area, wherein 103 posts of Anganwadi Workers were there and they were notified. Petitioner appeared for the written test conducted on 30-3-2007 along with others, and according to her, though she fared well in the written test, she was not called for interview. According to the petitioner, the marks of written test as well as oral test must be clubbed and results should be declared, whereas, in this case, the respondents have adopted a very novel method of short listing the candidates for interview, by putting a benchmark of 28 in the written test, which is not mentioned in the notification issued by the respondents. Therefore, the procedure adopted by the respondents is arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is asserted that the candidates, who have secured higher marks, both in

written and oral, were selected to the post of Anganwadi Worker. In the instant case, the petitioner secured only 26 marks in the written test; as such, she was disqualified for the post of Anganwadi Worker and, therefore, she was not called for interview. The District Level Selection Committee approved the selection process, i.e. fixing of 70 marks for written test and 30 marks for oral test. The written test paper is objective type and the same was displayed in the notice boards of the concerned CDPO's Office, MDO's Office and MRO's Office on 13-3-2007. Of course, it is not displayed in the newspapers. The written test was conducted on 30-3-2007 and on the same day, the results were declared. The candidates, who qualified in written test, were alone called for oral test, which was held on 6-4-2007. Since the petitioner got only 26 marks out of 70 marks in the written examination, she was not called for oral test and as she had not satisfied the minimum criterion of obtaining 28 marks in the written test, she was not selected.

No reply is filed to the said counter.

From the averments in the counter, it is clear that only those candidates, who had secured more than 28 marks, were called for oral test. Admittedly, petitioner got only 26 marks in the written test; therefore, she was not called for oral test. However, from the counter, it is seen that the marks obtained in the written test and oral test have to be clubbed together and results have to be declared. In this case, it seems, such a course was not adopted.

Under the above circumstances, the Writ Petition is disposed of directing the respondents to reconsider the case of the petitioner for being subjected to oral test by examining the Rules, whether obtaining 28 marks is a must for the purpose of making the candidates eligible for being called for, for oral test. After examining the position, the

respondents may consider the case of the petitioner and pass appropriate orders as per law and communicate the same to the petitioner. Till such time, the appointment against Bethalapadu village, Julurupadu Mandal may not be finalized. However, in respect of other villages, i.e., 102 villages of Kothagudem Rural area, the respondents are at liberty to go ahead with the process of appointment etc. It is needless to mention that the interim order granted on 5-4-2007 stands vacated.

With the above direction, the Writ Petition is disposed of. No order as to costs.

23-10-2007

prk